

HOUSE BILL REPORT

HB 2993

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to at-risk youth proceedings.

Brief Description: Modifying provisions concerning at-risk youth proceedings.

Sponsors: Representatives Moeller and Darneille.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/24/06, 1/25/06 [DPS].

Brief Summary of Substitute Bill

- Expands the definition of an "at-risk youth" to include a youth with a possible substance abuse or mental health problem.
- Restricts the time a youth may be held in detention for contempt of an At-risk Youth order when the petition is based on the youth having a possible substance abuse or mental health problem.
- Requires the Washington State Institute for Public Policy to evaluate the use of confinement for contempt in non-offender cases.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

An At-risk Youth (ARY) petition is a process by which parents may request and receive assistance from juvenile courts to provide appropriate care, treatment, and supervision of an at-risk youth. An at-risk youth is defined as a juvenile:

- (1) who is absent from home for at least 72 hours;

- (2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- (3) who has a substance abuse problem but no pending criminal charges pertaining to the substance abuse.

When an ARY petition is filed, the court must schedule a fact-finding hearing. The court can approve or dismiss the ARY petition at the fact-finding hearing, and may order that the child reside either in the parents' home or in an out-of-home placement.

If the court approves the petition, the court will enter a dispositional order to assist the parents in maintaining care, custody, and control of the child and assist the family in resolving conflicts. The court order may include:

- (1) regular school attendance;
- (2) counseling;
- (3) participation in a substance abuse or mental health outpatient treatment program;
- (4) reporting on a regular basis to the Department of Social and Health Services or any other designated person or agency; and
- (5) any other condition the court deems appropriate including employment, participation in an anger management program, or refraining from the use of drugs or alcohol.

The dispositional order may not include involuntary commitment of a child for substance abuse or mental health treatment.

The court must hold a review hearing within 90 days of the entry of the dispositional hearing to continue or discontinue court supervision. If the court determines it is necessary for the petition to continue, the court may continue the petition for up to 180 additional days. If the court determines the petition is no longer needed, the court may dismiss the petition. The court may also dismiss an ARY proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action.

If a child violates the ARY petition, the court may impose a sanction including a fine of up to \$100 and confinement of up to seven days, or both. If the court orders a period of confinement, the child will be held in the juvenile detention facility.

Summary of Substitute Bill:

The definition of an "at-risk youth" is expanded to include youth with a possible substance abuse or mental health problem. The expanded definition of an at-risk youth includes a juvenile:

- (1) who is absent from home for at least 72 hours;
- (2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- (3) who has a *possible* substance abuse *or mental health* problem but no pending criminal charges pertaining to the substance abuse *or mental health problem*.

If the court enters an order finding the youth to be at-risk based upon a finding that the juvenile has a possible substance abuse or mental health problem and the juvenile violates the order, the court may impose a sanction of a fine of up to \$100 and confinement for up to two days. If the youth commits the same violation of the court order a second time, the court may then impose up to seven additional days of detention. However, the court may not find a youth in contempt of court for failing to obtain an evaluation or services if the evaluation or services were not available to the youth.

The Washington State Institute for Public Policy shall conduct a study of the juvenile court system to evaluate the use of confinement for youth who are found in contempt of court in non-offender proceedings. The evaluation shall include the following information:

- (1) how often youth are found in contempt in non-offender cases;
- (2) what are the bases of the violations for which youth are found in contempt;
- (3) what the bases was for the underlying petition;
- (4) how often confinement is ordered as a sanction for contempt of court in non-offender proceedings;
- (5) how often are sanctions other than detention ordered by the court and what has been the effectiveness of these sanctions; and
- (6) what the rate is of subsequent compliance with the orders following a finding of contempt.

Substitute Bill Compared to Original Bill:

The substitute bill adds to the list of issues the Washington State Institute for Public Policy should review in its study to evaluate the use of confinement for youth who are found in contempt of court in non-offender proceedings.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There is a concern that mental health is not being dealt with by the ARY petition. This came up last year when there were parents who were very frustrated. The current definitions could be interpreted to include mental health, but they can also be construed narrowly to not include mental health issues. When a young person is before the court, it is not always clear if the problem is substance abuse or mental health. The length of time a young person with mental health issues can be detained is a concern. The evaluation by the Washington State Institute for Public Policy is intended to gather information on how the contempt is being used.

Testimony Against: We support the idea of the evaluation component of the bill and the reduction in detention, but we are opposed to the underlying premise of possibly increasing

the number of youth with mental illness in institutions. What is really needed is better mental health services. There are also concerns with potentially broadening the use of substance abuse as a basis for the petition. The widening affect of this bill will lead to more assessments and more expense. There is concern that the bill will lead to misuse by parents.

Persons Testifying: (In support) Representative Moeller, prime sponsor; and Laurie Lippold, Children's Home Society of Washington.

(Opposed) Sarah Yatsko, Washington Defender Association and Washington Association of Criminal Defense Attorneys; and Steven Wickmark, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.